



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/830,093	04/23/2004	Donald Wayne Jackson	P08159US01/RFH	7521
881	7590	01/04/2006	EXAMINER	
STITES & HARBISON PLLC 1199 NORTH FAIRFAX STREET SUITE 900 ALEXANDRIA, VA 22314			NGUYEN, THU V	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/830,093

Applicant(s)

JACKSON, DONALD WAYNE

Examiner

Thu Nguyen

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 6-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 15-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

The response to the restriction requirement filed on October 5, 2005 is acknowledged. By this response, the species group I (including claims 2-5, 18-21) has been elected with traverse. Upon considering applicant's argument, the examiner decides to maintain the restriction requirement (refer to section "response to argument" below), accordingly, claims 1-5, 15-21 are examined in this office action.

#### ***Specification***

1. The disclosure is objected to because of the following informalities:

The "brief description of drawings" (paragraph [0031]) does not include a description to fig.4f.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon (US 6,570,486) in view of Smith (US 5,349,329).

As per claim 1, Simon teaches remote access device for a vehicle. The system comprises: a first electronic control device 24 (fig.3) mounted on the vehicle for transmitting a

Art Unit: 3661

characteristic signal (col.4, lines 66-67; col.5, lines 1-2; col.6, lines 36-38); a second electronic control device 46 (fig.3) to be carried by a person for receiving the characteristic signal and for returning signal to the transmitter/receiver of the first control device (col.5, lines 24-27, lines 34-42, lines 59-67; col.6, lines 1-2). Simon does not explicitly disclose allowing the user to wear the transmitter, controlling continued operation of the vehicle, and the control unit that calculates the distance between the first and second control devices for disabling vehicle when the distance is greater than a predetermined distance. However, adapting the transmitter in a specific shape wearable to a person would have been well known and obvious matter of design choice. Moreover, Simon teaches the controller 24 (fig.3) that is capable of controlling the actuator of devices (col.3, lines 35-38), and considering the signal strength in continuing operation of the vehicle (col.6, lines 35-45). Furthermore, Smith teaches controlling continued operation of the vehicle when a distance is within a predetermined distance (col.4, lines 11-33). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to disable the vehicle taught by Simon when the distance between the user and the vehicle is larger than a predetermined distance as taught by Smith in order to prevent hi-jacking situation in which the user is pushed away from the vehicle.

As per claim 2, Smith suggests including a relay connected to the electrical system of the vehicle for opening the vehicle electrical system (col.7, lines 40-43). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement a relay circuit to the apparatus of Simon in order to facilitate selecting disabling or enabling of a specific actuator.

As per claim 3, Smith teaches connecting a relay contact to the ignition circuit to control disconnection of the ignition circuit (col.12, lines 6-21).

As per claim 4-5, Smith teaches electronic control circuit which can be any electrical power circuit (col.5, lines 24-28), moreover, with respect to claim 4, connecting a relay to the fuel injection control circuit for controlling fuel injection to enable or disable the operation of the vehicle would have been both known and obvious matter of design choice.

As per claim 15, Simon teaches radio signals (col.3, lines 41-48).

As per claim 16, shaping the remote control device in a particular appearance such as a well known shape of a pager would have been both known and obvious mater of design choice.

As per claim 17-21, refer to claim 1-5, and 15 above.

#### ***Response to Arguments***

4. Applicant's election with traverse of species I in the reply filed on October 5, 2005 is acknowledged. The traversal is on the ground(s) that the features discloses in the species are not mutually exclusive nor variations of a particular embodiment. This is not found persuasive because as disclosed in paragprah 0012-0018, the features as disclosed can be included or omitted from the system, when such the features are optionally included or omitted from the

Art Unit: 3661

circuits, the system with the inclusion or omission of the features result in different circuits with specific limited function, they are therefore of different species.

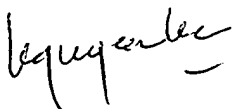
The requirement is still deemed proper and is therefore made FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (571) 272-6967. The examiner can normally be reached on T-F (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 20, 2005

  
**THU V. NGUYEN**  
**PRIMARY EXAMINER**